IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SIXTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 22400 of 2004

Between:

D. Vijaya Kumari W/o Ratnam,
Y. Kothapally Village, Yerragondapalem, Mandal, Prakasam District.

...PETITIONER

AND

1 The Joint Collector, Ongole, Prakasam District
2 The Revenue Divisional Officer, Markapur,

Prakasam District.
3 The Mandal Revenue Officer, Yerragondapalem, Yerragondapalem Mandal, Prakasam District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the proceedings in Rc. CS2/4042/2004 dated 23-10-2004 communicated on 30-10-2004 issued by the 1st respondent herein as illegal, arbitrary and based on total non-application of mind and further violative of rights guaranteed under Article 19(1)(g) of the Constitution of India and consequently set aside the same.

Counsel for the Petitioner: MR.V.MALLIK

Counsel for the Respondents: GP FOR CIVIL

SUPPLIES

The Court made the following :

O R D E R:

The petitioner was appointed as a permanent fair price Shop Dealer of Y.Kothapally village, Yerragondapalem Mandal of Prakasam District. The second respondent suspended the authorization through proceedings dated 11.06.2004 on the allegation that she has violated the conditions of authorization and was selling the essential commodities at higher rates. The petitioner was also issued a show-cause notice dated 17.07.2004 and she claims to have since submitted an explanation.

Aggrieved by the orders of suspension the petitioner preferred an appeal before the first respondent. The said appeal was rejected through the order dated 23.10.2004. Hence, this writ petition.

Heard learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

The petitioner contends that she had been suffering from jaundice in the month of June, 2004, and accordingly applied for leave to the second respondent. She specifically pleads that the second respondent sanctioned the leave through his endorsement dated 0.06.2004, and despite the same, the authorization was suspended within two days. Another contention is that the charges are too vague and general and an appropriate explanation has already been submitted by her.

It is true that the appellate authority did not take these aspects into account. Be that as it may, once he has directed the second respondent to dispose of the proceedings before him as early as possible and not to appoint even a temporary dealer in the place of the petitioner, that can be said to be a proper direction in the facts and circumstances of the case. The second respondent can certainly dispose

of the matter without any further delay, duly taking into account the important contentions raised on behalf of the petitioner, such as her having been sanctioned the leave or the triviality of the allegations etc.

Hence, the writ petition is disposed of, directing the second respondent to pass appropriate final orders duly taking into account the explanation submitted by the petitioner within three weeks from the date of receipt of a copy of this order. In case, the second respondent fails to pass such orders, the authorization of the petitioner shall stand restored. There shall be no order as to costs.

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6th December, 2004

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To

1 The Joint Collector, Ongole, Prakasam District.
2 The Revenue Divisional Officer, Markapur, Prakasam District.
3 The Mandal Revenue Officer, Yerragondapalem, Yerragondapalem Mandal, Prakasam District.

4 Two C.Cs to the Government Pleader for Revenue, High High Court Buildings, Hyderabad (OUT).

5 Two C.D.copies.